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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,434	09/02/2004	Shinya Nagata	5553NA1-1	1269
62574	7590	06/04/2008		
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202			EXAMINER THOMAS, JONATHAN B	
			ART UNIT 3766	PAPER NUMBER
			NOTIFICATION DATE 06/04/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

### Office Action Summary

**Application No.**

10/506,434

**Applicant(s)**

NAGATA ET AL.

**Examiner**

JONATHAN B. THOMAS

**Art Unit**

3766

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6,8-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8,9,10,11,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 1/17/2008 have been fully considered but they are not persuasive. The ECG chart in the Case reference does relate data to each portion of the heart, such as P wave to the atria or QRS complex to the ventricles just as standard ECG strips do.

### ***Claim Rejections - 35 USC § 112***

Due to the amendment of claims 5,9,11 and 12, the rejection of these claims under this section has been withdrawn.

### ***Claim Rejections - 35 USC § 101***

Due to the amendment of claim 14, the rejection of this claim under this section has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated as claimed by Case 3,983,867.

Regarding claim 1, Case teaches an electrocardiogram chart data-generating device for generating chart data to be used to display charts based on measured ECG data comprising: means for generating feature value indicating an ECG feature value Figs 4-13; and means for generating chart data based on the feature value data 32, wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart.

Regarding claim 5, Case teaches the chart data is to be used to display a chart that arranges each feature value at the corresponding portion of the heart (Fig 17).

Regarding claims 9 and 10, Case teaches the chart data is to be used to display a chart that relates the feature value to each portion of the heart including at least left portion of the heart, right portion of the heart, bottom portion of the heart, front portion of the heart, or inner portion of the heart Fig 18 (note isoelectricity between the AVF lead and lead III, indicating slight right axis shift).

Claim 14 as best understood is rejected under 35 U.S.C. 102(b) as being anticipated as claimed by Matsumura 6,856,832.

Regarding claim 14, Matsumura teaches an ECG chart data-generating device (Col. 5 ll. 43-58) for generating chart data based on measured ECG data, a central processing unit (Fig 11) of the ECG chart data-gathering device is to execute the procedures of: generating feature value data indicating an ECG feature value; and generating chart data based on the feature value data, wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart.

See the rejection under 35 USC 101 in the last Office Action for the interpretation of this claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Case 3,983,967 in view of Hamilton 2003/0208128.

Regarding claim 2, Case teaches an electrocardiogram chart data-generating device for generating chart data to be used to display charts based on measured ECG data comprising: means for generating feature value indicating an ECG feature value Figs 4-13; and means for generating chart data based on the feature value data 32, wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart.

Case does not teach the following claimed limitations: a computer readable medium having stored thereon the computer program for an ECG chart data-gathering device that generates chart data to be used to display charts based on measured ECG data, wherein the program is implemented in a computer and capable of causing the computer to perform: means for generating feature value data indicating an ECG

feature value; and means for generating chart data based on the feature value data, wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart.

Hamilton teaches, in the same field of endeavor, a computer readable medium having stored thereon the computer program for heart rate data-gathering device that generates chart data to be used to display charts based on measured heart rate data, wherein the program is implemented in a computer (Para. 16).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the invention of Case in view of Hamilton in order to make the invention usable in a computer, outside the clinical setting (Para. 16).

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Case 3,983,967 in view of Patnoi 4,214,590.

Regarding claim 6, Case teaches the invention as discussed above.

Case does not teach the following claimed limitations: means for display control for varying the display style of the feature value when the feature value is in an abnormal range.

Patnoi teaches means for display control for varying the display style of the feature value when the feature value is in an abnormal range (Patnoi Col 9 ll. 63 – Col 10 ll. 52).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the invention of Case in view of Patnoi in order to ensure that the data is readily discernible (Patnoi Col 9 II. 63 – Col 10 II. 52).

Regarding claim 8, Case teaches the invention as discussed above.

Case does not teach the following claimed limitations: the display controlling means or means for displaying the abnormal value is to hold display of the feature value constant even when the feature value varies within a normal range.

Patnoi teaches the display controlling means or means for displaying the abnormal value is to hold display of the feature value constant even when the feature value varies within a normal range (Patnoi Col 9 II. 63 – Col 10 II. 52).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the invention of Case in view of Patnoi in order to ensure that the data is readily discernible (Patnoi Col 9 II. 63 – Col 10 II. 52).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Case 3,983,967 in view of Baba 6,725,088.

Regarding claim 11, Case teaches the invention as discussed above.

Case does not teach the following claimed limitations: the chart data is to be used to display the feature value in a radar chart form.

Baba teaches, in the same field of endeavor, displaying data in a radar chart form (Col. 9 ll. 38 – Col. 10 ll. 27).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the invention of Case in view of Baba in order to display the data in alternative format.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Case 3,983,967 in view of Dubin.

Regarding claim 12, Case teaches the invention as discusses above.

Case does not teach the following claimed limitations: the chart data is to be used to display the feature value on a heart image.

Dubin teaches the chart data is to be used to display the feature value on a heart image (figure on page 209).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the invention of Case in view of Dubin in order to create an instructional tool for demonstrating the principles of cardiac vector analysis. (Dubin page 209)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN B. THOMAS whose telephone number is (571)270-3082. The examiner can normally be reached on Mon-Fri 9:30-9 EST. Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on 5712724949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3766

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/  
Supervisory Patent Examiner, Art Unit 3766

5/27/2008  
JBT